

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FIDELITY BROKERAGE SERVICES, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 3:20-cv-00852-E
	§	
JASON EDWARDS AND EDWARD D.	§	
JONES & CO., LP,	§	
	§	
Defendants.	§	

ORDER

The parties in this case agree that the merits must be arbitrated before a Financial Industry Regulatory Authority (FINRA) Arbitration Panel. They disagree about whether Plaintiff Fidelity Brokerage Services, LLC is entitled to a preliminary injunction in this Court prior to arbitration and to discovery in aid of its motion for preliminary injunction.

FINRA's Code of Arbitration Procedure for Industry Disputes permits a party to seek a "temporary injunctive order" from a court. FINRA Rule 13804(a)(2) provides that a party seeking a temporary injunctive order from a court with respect to a dispute which is required to be submitted to arbitration under the Code must simultaneously file with FINRA's Director of the Office of Dispute Resolution a statement of claim requesting permanent injunctive relief. The party seeking temporary injunctive relief must also serve the statement of claim requesting permanent injunctive relief on all other parties "by overnight delivery service, hand delivery, email, or facsimile." The Rule further provides that service must be made on all parties at the same time and in the same manner, unless the parties otherwise agree. Under Rule 13804(b)(1),

once a court issues a temporary injunctive order, an arbitration hearing on the request for permanent injunction will begin within 15 days.

In their response to Plaintiff's Motion for Preliminary Injunction, Defendants Jason Edwards and Edward D. Jones & Co., LP assert Plaintiff has not complied with Rule 13804(a)(2). They contend that neither of them have been served with a statement of claim and that Plaintiff has not demonstrated that it requested permanent injunctive relief from FINRA. In conjunction with its reply, Plaintiff filed an appendix that contains its statement of claim. The appendix shows that the statement of claim was filed with FINRA at the same time as this action and that Plaintiff seeks permanent injunctive relief from the arbitration panel. However, nothing in the record shows Plaintiff served Defendants with the statement of claim in compliance with Rule 13804(a)(2).

Accordingly, within ten days of the date of this Order, the Court orders Plaintiff to provide proof of service of the statement of claim upon the Defendants.

SO ORDERED.

Signed October 20, 2020.

A handwritten signature in black ink, appearing to read 'Ada Brown', written over a horizontal line.

ADA BROWN
UNITED STATES DISTRICT JUDGE